

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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BETTY ANNE WATERS, as Administratrix of the Estate of KENNETH WATERS,	)	
Plaintiff,	)	Case No. 04 10521 (GAO) (JGD)
v.	)	
TOWN OF AYER, NANCY TAYLOR-HARRIS, in her individual capacity, ARTHUR BOISSEAU, in his individual capacity, BUDDY DECOT, in his individual capacity, WILLIAM ADAMSON, in his individual capacity, PHILIP L. CONNORS, in his individual capacity, and JOHN DOE and JANE DOES 1-16, in their individual capacities,	)	<b><u>PLAINTIFF'S REQUEST FOR LEAVE FOR ONE ADDITIONAL WEEK TO RESOLVE DECOT ISSUE</u></b>
Defendants.	)	
	)	

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Plaintiff Betty Anne Waters, by counsel, respectfully but belatedly responds to the Court's order of December 20, 2007, which called for filings by January 18, 2007 on the question of dismissal of defendant Walter Decot. (*See* Docket No. 138.)

In hopes of timely complying with the Court's order, on January 8, 2008, Plaintiff's counsel served a proposed agreed motion to amend the proposed amended complaint, which attempts to reach a compromise solution on the issue of defendant Decot by dismissing him, but also by more clearly articulating the violations and breaches of duty on the part of defendants as well as the damages and injuries suffered by Mr. Waters in each and every year after his wrongful arrest and conviction, and finally to conform the facts alleged in the complaint to the facts revealed in discovery. The proposed amended complaint sets forth precisely the same

causes of action as those initially alleged.

Despite counsel's best efforts and attempts to negotiate a resolution to this issue without need for additional motion practice, there has been no substantive response from the defendants over the last month. As such, Plaintiff seeks leave for an additional week in the hopes that defense counsel will state its position with respect to the compromise solution proposed by Plaintiff. If there is no further response within a week's time, Plaintiff will, on Tuesday, February 12, 2008, file a Rule 15 motion to file an amended complaint. Counsel apologizes to the Court for this belated filing.

Dated: February 5, 2008

Respectfully submitted,

/s/ Deborah L. Cornwall  
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Attorneys for Plaintiff Betty Anne Waters

#### **CERTIFICATE OF SERVICE**

I, Emily Gordon, hereby certify that the foregoing document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and electronic and paper copies will be sent to those indicated as non-registered participants on February 5, 2008.

/s/ Emily Gordon  
 Emily Gordon